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SEA**

**SERVICE DATE – OCTOBER 21, 2005**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub. No. 232X)**

**Union Pacific Railroad Company -- Abandonment Exemption -- in Orange County,  
California**

### **BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon 1.46 miles of rail line in the City of Orange, Orange County, California. The rail line, known as the Tustin Industrial Lead, extends from milepost 514.84 to milepost 516.10 and from milepost 514.70 to milepost 514.90. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, UP will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

### **DESCRIPTION OF THE RAIL LINE**

UP states that the east to west portion of the rail line - the section from milepost 514.70 to milepost 514.90 - was constructed in 1888 by the Southern Pacific Railroad. The north to south portion of the rail line - from milepost 514.84 to milepost 516.10 - was built by Pacific Electric in 1917. UP states that there is now no demand for or prospect of rail service over the rail line, and that no traffic has originated, terminated, or moved overhead on this rail line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to UP, the rail line passes through a densely populated and mostly flat urban area with commercial and light-industrial properties. The right-of-way is generally 40 to 50 feet wide. The rail line crosses three city streets, each of which is four to six lanes wide. If the proposed abandonment is granted, UP would eliminate grade crossings at these locations, thereby improving public safety.

UP has indicated that the rail line would not be suitable for any kind of public, transportation or recreational use due to its heavily urbanized location. The title for the land underlying the rail line is fee simple. Based on the information available to UP, the rail line does not contain Federally granted right-of-way.

## **ENVIRONMENTAL REVIEW**

UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has indicated that there are five geodetic station markers that may be affected by the proposed abandonment. NGS requests that UP provide it with 90 days notice in the event any of the geodetic station markers need to be relocated.

The United States Army Corps of Engineers (Corps) has stated that the information in the railroad's environmental report was not sufficient for the Corps to make a determination on whether the proposed abandonment would affect areas under their jurisdiction. Therefore, SEA recommends that the railroad consult with the Corps to determine whether a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.

The U.S. Fish and Wildlife Service (US FWS), who has jurisdiction over Section 7 of the Endangered Species Act, has not responded to UP regarding whether the proposed abandonment project will have significant impacts on fish and wildlife resources. Therefore, SEA is ensuring that the US FWS receives a copy of this EA for its review and comment.

## **HISTORIC REVIEW**

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. UP served the report on the California State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO submitted comments to UP in response to the historic report stating that it requires additional information regarding the proposed abandonment (SHPO Tracking Number STB050822B). Consequently, SEA is recommending a condition that UP shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

SEA conducted a search of the Native American Consultation Data Base to identify any Federally recognized tribes that may have ancestral connections to the project area. No tribes were identified. SEA has also contacted the California Native American Heritage Commission

(Commission) regarding any tribes that may have an interest in the proposed abandonment. To date, no response has been received from the Commission.

## **CONDITIONS**

We recommend that the following three environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) identified five geodetic station markers that may be affected by the proposed abandonment. Therefore, the Union Pacific Railroad Company shall notify NGS at least 90 days prior to conducting salvage activities in order to plan for their possible relocation by NGS.
2. The California State Historic Preservation Office or SHPO has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. The Union Pacific Railroad Company shall report back to the Section of Environmental Analysis regarding the results of any consultations with the SHPO.
3. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the United States Army Corps of Engineers (Corps) to determine whether a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the rail line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov) by clicking on the "E-FILING" link. Please refer to **Docket No. AB-33 (Sub. No. 232X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: October 21, 2005.

Comment due date: **November 7, 2005 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment